

Remarks

Claims 1-20 are pending in the application.

Claims 1-4, 6, 8-14, 16, and 18-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Agarwal et al. U.S. Pub. No. 2003/0101107 (hereinafter, "Agarwal").

Claims 5, 7, 15, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Agarwal as applied to claims 1-4, 6, 8-14, 16, and 18-20 above, and further in view of Huang U.S. No. 6,151,582 (hereinafter "Huang").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR §1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or simply is clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 1-4, 6, 8-14, 16, and 18-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Agarwal. The rejection is respectfully traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention arranged as in the claim. Agarwal fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Specifically, the Agarwal reference fails to teach or suggest at least the step of "determining a plurality of management configurations in response to said availability parameters," as recited in independent claim 1 (emphasis added). The Examiner suggests that Agarwal disclose this step because Agarwal discloses an inventory management system which considers a number of supply-demand constraints (see Office Action, page 4). Applicants respectfully disagree.

Neither the inventory management system nor the supply-demand constraints may be equated to Applicants' management configurations. As defined in the Applicants' specification:

"[a] specific implementation of a warehouse configuration given a particular network of nodes, along with specific quantities of spare components to be stored at the selected warehouse nodes, is referred to

herein as a ‘spare component management configuration’ or simply a ‘management configuration’ ... The management configurations may include the quantities of spare components to be stored at the warehouse nodes of the network, as well as minimum downtimes, and critical repair time violations.” (Specification: page 4, lines 20 – 24; page 5, lines 24 - 26).

Having a plurality of management configurations determined allows to select a warehouse configuration should or management configurations for each warehouse configuration (see Specification, page 5, lines 26 – 32). In other words, each of the plurality of management configurations is a possible solution or a component of a solution for optimizing spare component management process for a network having a plurality of nodes.

In contrast, the supply-demand constrains are merely factors that, according to Agarwal, may be used for determining an optimal level of inventory. Therefore, the supply-demand constrains may not be equated to Applicants’ management configurations. Accordingly, Applicants respectfully submit that independent claim 1 is not anticipated by Agarwal and is allowable under 35 U.S.C. §102. Independent claims 11, 19, and 20 recite relevant limitations similar to those recited in independent claim 1. Therefore, for at least the same reasons discussed above, these independent claims also are not anticipated by Agarwal and are allowable under 35 U.S.C. §102.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Agarwal.

Therefore, Applicants’ claims 1-4, 6, 8-14, 16, and 18-20 are allowable over Agarwal under 35 U.S.C. §102. The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103

Claims 5, 7, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal as applied to claims 1-4, 6, 8-14, 16, and 18-20 above and further in view of Huang. The rejection is traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Agarwal. Since

the rejection under 35 U.S.C. §102 given Agarwal has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Huang supplies that which is missing from Huang to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 5, 7, 15, and 17 are allowable over Agarwal as applied to claims 1-4, 6, 8-14, 16, and 18-20 above and further in view of Huang under 35 U.S.C. §103. The Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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